

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JULIAN ESTEVEZ-MARTINEZ,

Plaintiff,

v.

UNUM and TYSON FRESH MEATS, INC.,

Defendants.

Case No. _____

(District Court of
Dawson County, Nebraska,
Case No. CI 21-314)

JOINT NOTICE OF REMOVAL

To: Julian Estevez-Martinez, his attorney, and the Clerk of the United States District Court for the District of Nebraska.

Defendants, Unum (“Unum”), and Tyson Fresh Meats, Inc. (“Tyson”), pursuant to 28 U.S.C. §§ 1441 and 1446, hereby remove this case from the District Court of Dawson County, Nebraska, to the United States District Court for the District of Nebraska. As grounds for removal, and for no other purpose, Defendants state as follows:

1. On September 9, 2021, Plaintiff Julian Estevez-Martinez filed his Complaint in the District Court of Dawson County, Nebraska against Defendants, in an action captioned as *Julian Estevez-Martinez v. Unum and Tyson Fresh Meats, Inc.*, Case No. CI 21-314 (“District Court Action”). A true and correct copy of the Complaint filed in the District Court Action is attached hereto as Exhibit A.

2. On September 13, 2021, Unum was served with the Summons and a copy of the Complaint via certified mail. On September 16, 2021, Tyson was served with the Summons and a copy of the Complaint via certified mail.

3. In accordance with Neb. Ct. R. Pldg. § 6-1112(a), the deadline by which

Defendants must answer or otherwise respond to Plaintiff's Complaint is October 13, 2021, for Unum, and October 18, 2021, for Tyson.

4. This Notice of Removal is timely under 28 U.S.C. § 1446(b), as it is being filed within 30 days after Defendants were served with a copy of Plaintiff's Complaint. The time within which Defendants are required to answer or otherwise respond to Plaintiff's Complaint has not expired.

5. At all times relevant, Plaintiff was employed by Tyson, and, as an employee, was eligible to, and did, participate in a group disability insurance plan offered by his employer (the "Plan"), which was issued by Unum. Plaintiff's Complaint is based on benefits he claims were not paid to him under the Plan.

6. The Plan is part of an employee welfare benefit plan governed by the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1001-1461. See 29 U.S.C. §§ 1002(1), 1003(a).

7. Plaintiff's allegations in the Complaint constitute a claim for benefits allegedly due under the Plan; therefore, Plaintiff's Complaint constitutes an action under Section 502(a)(1)(B) of ERISA to enforce rights under the terms of an ERISA plan. See 29 U.S.C. § 1132(a)(1)(B) ("A civil action may be brought . . . by a participant or beneficiary . . . to recover benefits due to him under the terms of his plan, [or] to enforce his rights under the terms of the plan."). Accordingly, Plaintiff's claims are completely preempted by ERISA and present a federal question. See *Aetna Health, Inc. v. Davila*, 542 U.S. 200, 208 (2004) ("If an individual, at some point in time, could have brought his claim under ERISA, and where there is no other independent duty that is implicated by a defendant's action, then the individual's cause of action is completely pre-empted by

ERISA.”).

8. This action is removable pursuant to 28 U.S.C. § 1331 because it involves a federal question in the form of a claim to recover benefits and enforce rights under an employee welfare benefit plan regulated by ERISA.

9. The Court has original jurisdiction over the action described in Plaintiff’s Complaint, because the action arises under ERISA. See 29 U.S.C. § 1132(e)(1); *Pilot Life Ins. Co. v. Dedeaux*, 481 U.S. 41 (1987).

10. Pursuant to 28 U.S.C. § 1441, removal of this action is proper, without regard to the citizenship or residence of the parties or the amount placed at issue, because the Court has original jurisdiction over Plaintiff’s Complaint, which arises under ERISA.

11. This Court, however, also has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a), as the parties are citizens of different states, and the amount in controversy is believed to exceed the sum of \$75,000. Specifically, Plaintiff asserts in the Complaint that he is a resident of the State of Nebraska. Tyson, however, is a Delaware corporation with its principal place of business in Springdale, Arkansas, and Unum is a corporation organized and existing pursuant to laws of the State of Maine with its principal place of business in Portland, Maine. In addition, the Complaint seeks judgment for benefits allegedly due under a disability benefit plan, relief under the Nebraska Wage Payments and Collections Act, and damages for alleged retaliation. Accordingly, without admitting or acknowledging the scope or extent of Plaintiff’s claim, the allegations of the Complaint serve to place at issue an amount in controversy in this action, exclusive of interest and costs, exceeding the sum of \$75,000.

12. This Court is the District Court of the United States for the judicial district embracing the place where the state court action is pending.

13. No further proceedings have taken place in the District Court Action except for the issuance of the Summonses upon the Defendants and the filing of Returns of Service related to service of said Summonses. Copies of these documents are attached hereto as Exhibit B.

14. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal will be given to all parties, and a copy of this Notice of Removal will be filed with the Clerk of the District Court of Dawson County, Nebraska. A copy of the Notice of Filing Notice of Removal which will be filed in the District Court of Dawson County, Nebraska, without attachments noted therein, is attached hereto as Exhibit C.

WHEREFORE, this Court has original jurisdiction of this action by reason of federal question pursuant to 28 U.S.C. § 1331, in addition to diversity of citizenship pursuant to 28 U.S.C. § 1332(a). Defendants Unum and Tyson respectfully give notice that the action now pending in the District Court of Dawson County, Nebraska, captioned *Julian Estevez-Martinez v. Unum and Tyson Fresh Meats, Inc.*, Case No. CI 21-314, is removed to the United States District Court for the District of Nebraska, pursuant to 28 U.S.C. § 1441.

REQUEST FOR PLACE OF TRIAL

Defendants request Omaha as the place of trial of all claims raised in this action.

Dated this 12th day of October, 2021.

UNUM, Defendant,

By: /s/ Steven D. Davidson
Steven D. Davidson, #18684
BAIRD HOLM LLP
1700 Farnam Street, Suite 1500
Omaha, NE 68102
Telephone: (402) 344-0500
Facsimile: (402) 344-0588
sdavidson@bairdholm.com

and

TYSON FRESH MEATS, INC., Defendant,

By: /s/ Marcia A. Washkuhn
Marcia A. Washkuhn, #21022
Kathryn E. Jones, # 21957
KUTAK ROCK LLP
The Omaha Building
1650 Farnam Street
Omaha, NE 68102
Telephone: (402) 346-6000
Facsimile: (402) 346-1148
marcia.washkuhn@kutakrock.com
kate.jones@kutakrock.com

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of October 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Jon Rehm
REHM, BENNETT, MOORE & REHM, P.C., L.L.O.
3701 Union Dr., #200
Lincoln, NE 68516

/s/Steven D. Davidson

Filed in Dawson District Court

*** EFILED ***

Case Number: D18CI210000314

Transaction ID: 0014233610

Filing Date: 09/09/2021 03:10:05 PM CDT

IN THE DISTRICT COURT OF DAWSON COUNTY, NEBRASKA

JULIAN ESTEVEZ-MARTINEZ,)	Case No. _____
)	
Plaintiff,)	
)	
vs.)	
)	
UNUM,)	
)	COMPLAINT
Co-Defendant,)	
)	
vs.)	
)	
TYSON FRESH MEATS, INC.,)	
)	
Co-Defendant.)	

Plaintiff alleges:

1. Plaintiff is a resident of Nebraska.
2. Co-defendant UNUM is a foreign corporation.
3. Co-defendant Tyson Fresh Meats is a foreign corporation.
4. The amount in controversy is less than \$75,000.

Facts

5. That co-defendant UNUM provides long-term disability benefits for the employees of co-defendant Tyson.
6. That co-defendant Tyson partially funds long-term disability benefits with UNUM for their employees with their funds.
7. That plaintiff signed up for long-term benefits with UNUM through Tyson.
8. That sometime in 2020, plaintiff began receiving long-term disability benefits from UNUM.
9. That when plaintiff was awarded long term disability benefits, he was also pursuing a claim against Tyson for workers compensation benefits due to a wrist and shoulder injury.
10. That on or about December 30, 2020, the Nebraska Workers Compensation Court awarded the plaintiff temporary total disability (TTD) in amount of \$8,773.44 for

<p>EXHIBIT</p> <p>A</p>

the time periods of March 26, 2018, June 25, 2018-July 9, 2018, October 1, 2018, July 5, 2019-July 7, 2019, September 9, 2019-October 25, 2019 and February 3, 2020-March 17, 2020.

11. That the court also awarded vocational rehabilitation benefits that would entitle plaintiff to paid temporary total disability benefits at a rate of \$553.28 while he is participating in a retraining program.
12. That co-defendant UNUM reduced plaintiff's long-term disability benefits by \$8773.24.
13. That co-defendant UNUM will reduce plaintiff's long-term disability benefits if he participates in a vocational training program under workers' compensation.
14. Co-defendant UNUM is not entitled to repayment of these benefits as they were paid out before they determined plaintiff was disabled for their purposes.
15. That co-defendant Tyson subrogated against workers compensation benefits paid to the plaintiff through UNUM's reduction of long-term disability benefits.
16. That the receipt of disability benefits is a term and condition of plaintiff's employment with co-defendant Tyson.
17. That co-defendant Tyson encouraged plaintiff to apply for benefits through UNUM.
18. That when co-defendant Tyson encouraged plaintiff to apply for benefits that they knew he was pursuing a workers' compensation case.

Count 1

19. That co-defendant's breached their contract with the plaintiff by claiming subrogation against temporary total disability benefits that they were not entitled to be repaid.

Count 2

20. That the breach of contract described in Paragraphs 5-18 constitutes a violation of the Nebraska Wage Payment and Collection Act by the co-defendant's.

Count 3

21. That co-defendant's wrongful claims to repayment of plaintiff's long-term disability benefits constitute retaliation for claiming and interference with plaintiff's right to claim workers' compensation benefits in contravention of the public policy of the state of Nebraska.

Prayer for relief and request for jury

Plaintiff asks for all legal and equitable relief available under law and to have a jury of his peers determine the liability of the parties in this case.

JULIAN ESTEVEZ-MARTINEZ, Plaintiff

REHM, BENNETT,
MOORE & REHM, P.C., L.L.O.
3701 Union Dr., #200
Lincoln, NE 68516
(402) 420-1400
E-mail: jonrehm@rehmlaw.com

For the firm: /s/ Jon Rehm
Jon Rehm, #23097

Filed in Dawson District Court

*** EFILED ***

Case Number: D18CI210000314

Transaction ID: 0014233610

Filing Date: 09/09/2021 03:10:05 PM CDT

IN THE DISTRICT COURT OF DAWSON COUNTY, NEBRASKA

JULIAN ESTEVEZ-MARTINEZ,

Plaintiff,

vs.

UNUM,

Co-Defendant,

vs.

TYSON FRESH MEATS, INC.,

Co-Defendant.

Case No. _____

PRAECIPE

PRAECIPE

To the Clerk of Said Court:

Please issue summons in the above-entitled action for service by certified mail, with a copy of the Complaint attached thereto for service on the Defendants at:

Unum
P.O. Box 100158
Columbia, SC 29202-3158

Summons should be mailed and/or sent by electronic mail to Plaintiff's attorney for service by certified mail.

**EXHIBIT
B**

JULIAN ESTEVEZ-MARTINEZ, Plaintiff

REHM, BENNETT,
MOORE & REHM, P.C., L.L.O.
3701 Union Dr., #200
Lincoln, NE 68516
(402) 420-1400
E-mail: jonrehm@rehmlaw.com

For the firm: /s/ Jon Rehm
Jon Rehm, #23097

Filed in Dawson District Court

*** EFILED ***

Case Number: D18CI210000314

Transaction ID: 0014233610

Filing Date: 09/09/2021 03:10:05 PM CDT

IN THE DISTRICT COURT OF DAWSON COUNTY, NEBRASKA

JULIAN ESTEVEZ-MARTINEZ,

Plaintiff,

vs.

UNUM,

Co-Defendant,

vs.

TYSON FRESH MEATS, INC.,

Co-Defendant.

Case No. _____

PRAECIPE

PRAECIPE

To the Clerk of Said Court:

Please issue summons in the above-entitled action for service by certified mail, with a copy of the Complaint attached thereto for service on the Defendants at:

Tyson Fresh Meats, Inc.
CT Corporation System – Registered Agent
5601 South 59th Street, Suite C
Lincoln, NE 68516

Summons should be mailed and/or sent by electronic mail to Plaintiff's attorney for service by certified mail.

JULIAN ESTEVEZ-MARTINEZ, Plaintiff

REHM, BENNETT,
MOORE & REHM, P.C., L.L.O.
3701 Union Dr., #200
Lincoln, NE 68516
(402) 420-1400
E-mail: jonrehm@rehmlaw.com

For the firm: /s/ Jon Rehm
Jon Rehm, #23097

Image ID:
D00049580D18

SUMMONS

Doc. No. 49580

IN THE DISTRICT COURT OF Dawson COUNTY, NEBRASKA
Dawson County Courthouse
700 N. Washington St., Room E
Lexington NE 68850

Julian Estevez-Martinez v. Unum

Case ID: CI 21 314

TO: Unum

FILED BY
Clerk of the Dawson District Court
09/09/2021

You have been sued by the following plaintiff(s):

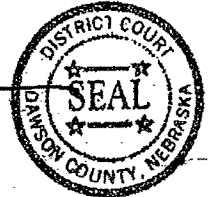
Julian Estevez-Martinez

Plaintiff's Attorney: Jonathan V Rehm
Address: 3701 Union Drive, Suite 200
Lincoln, NE 68516
Telephone: (402) 420-1400

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: SEPTEMBER 9, 2021 BY THE COURT:

Becky Borja
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Unum
P.O. Box 100158
Columbia, SC 29202

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

SERVICE RETURN

Doc. No. 49580

DAWSON COUNTY DISTRICT COURT
Dawson County Courthouse
700 N. Washington St., Room E
Lexington NE 68850

To:

Case ID: CI 21 314 Julian Estevez-Martinez v. Unum

Received this Summons on _____, _____. I hereby certify that on
_____, _____ at _____ o'clock __M. I served copies of the Summons
upon the party:

by _____

as required by Nebraska state law.

Service and return \$ _____

Copy _____

Mileage _____miles _____

TOTAL \$ _____

Date: _____ BY: _____
(Sheriff or authorized person)

**CERTIFIED MAIL
PROOF OF SERVICE**

Copies of the Summons were mailed by certified mail,
TO THE PARTY: _____

At the following address: _____

on the _____ day of _____, as required by Nebraska state law.

Postage \$ _____ Attorney for: _____

The return receipt for mailing to the party was signed on _____, _____.

To: Unum
P.O. Box 100158
Columbia, SC 29202

From: Jonathan V Rehm
3701 Union Drive, Suite 200
Lincoln, NE 68516

ATTACH RETURN RECEIPT & RETURN TO COURT

Image ID:
D00049581D18

SUMMONS

Doc. No. 49581

IN THE DISTRICT COURT OF Dawson COUNTY, NEBRASKA
Dawson County Courthouse
700 N. Washington St., Room E
Lexington NE 68850

Julian Estevez-Martinez v. Unum

Case ID: CI 21 314

TO: Tyson Fresh Meats, Inc.
DBA: CT Corporation System - Reg. Agent

FILED BY
Clerk of the Dawson District Court
09/09/2021

You have been sued by the following plaintiff(s):

Julian Estevez-Martinez

Plaintiff's Attorney: Jonathan V Rehm
Address: 3701 Union Drive, Suite 200
Lincoln, NE 68516

Telephone: (402) 420-1400

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: SEPTEMBER 9, 2021 BY THE COURT:

Becky Borja
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Tyson Fresh Meats, Inc.
5601 South 59th Street, Suite C
Lincoln, NE 68516

Method of service: Certified Mail

You are directed to make such service within ten days after the date of issue, and file with the court clerk proof of service within ten days after the signed receipt is received or is available electronically, whichever occurs first.

SERVICE RETURN

Doc. No. 49581

DAWSON COUNTY DISTRICT COURT
Dawson County Courthouse
700 N. Washington St., Room E
Lexington NE 68850

To:

Case ID: CI 21 314 Julian Estevez-Martinez v. Unum

Received this Summons on _____, _____. I hereby certify that on
_____, ____ at _____ o'clock __M. I served copies of the Summons
upon the party:

by _____

as required by Nebraska state law.

Service and return \$ _____

Copy _____

Mileage _____ miles _____

TOTAL \$ _____

Date: _____ BY: _____
(Sheriff or authorized person)

**CERTIFIED MAIL
PROOF OF SERVICE**

Copies of the Summons were mailed by certified mail,
TO THE PARTY: _____

At the following address: _____

on the _____ day of _____, as required by Nebraska state law.

Postage \$ _____ Attorney for: _____

The return receipt for mailing to the party was signed on _____, _____.

To: Tyson Fresh Meats, Inc.
5601 South 59th Street, Suite C
Lincoln, NE 68516

From: Jonathan V Rehm
3701 Union Drive, Suite 200
Lincoln, NE 68516

ATTACH RETURN RECEIPT & RETURN TO COURT

Filed in Dawson District Court

*** EFILED ***

SERVICE RETURN

Case Number: D18CI210000314

Transaction ID: 0014208194

Filing Date: 09/20/2021 01:09:50 PM CDT

DAWSON COUNTY DISTRICT COURT
 Dawson County Courthouse
 700 N. Washington St., Room E
 Lexington NE 68850

To:

Case ID: CI 21 314 Julian Estevez-Martinez v. Unum

Received this Summons on _____, _____. I hereby certify that on
 _____, _____ at _____ o'clock ____ M. I served copies of the Summons
 upon the party:

by _____

as required by Nebraska state law.

Service and return \$ _____

Copy _____

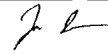
Mileage _____ miles _____

TOTAL \$ _____

Date: _____ BY: _____
 (Sheriff or authorized person)

CERTIFIED MAIL PROOF OF SERVICE

Copies of the Summons were mailed by certified mail,
 TO THE PARTY: Tyson Fresh Meats, Inc.

At the following address: c/o CT Corporation System - Registered Agent5601 South 59th Street, Suite CLincoln, NE 68516on the 10th day of September, 2021, as required by Nebraska state law.Postage \$ 7.16 Attorney for: Julian Estevez-Martinez, PlaintiffThe return receipt for mailing to the party was signed on September 16, 2021.

To: Tyson Fresh Meats, Inc.
 5601 South 59th Street, Suite C
 Lincoln, NE 68516

From: Jonathan V Rehm
 3701 Union Drive, Suite 200
 Lincoln, NE 68516

ATTACH RETURN RECEIPT & RETURN TO COURT

USPS TRACKING#

9590 9402 5720 9346 5507 81

United States
Postal Service

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

Sender: Please print your name, address, and ZIP+4® in this box*

REHM, BENNETT, MOORE &
REHM, P.C., L.L.O.
P.O. Box 22087
3701 Union Drive, Suite 200
Lincoln, NE 68516

Silvia Estevez Martinez C.2) JR/SBLG

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p><i>Tyson Fresh Meats Inc.</i> <i>Me Corp. System - Reg. Agent</i> <i>5601 S. 59th St. Ste C.</i> <i>Lincoln NE 68516</i></p> <p>2. Article Number (Transfer from service label)</p> <p>9590 9402 5720 9346 5507 81</p>	<p>A. Signature <i>Josh Halbrook</i></p> <p>B. Received by (Print Name) <i>Josh Halbrook</i></p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

RECEIVED

SEP 20 2021

BY: *yr/Sig*

Certificate of Service

I hereby certify that on Monday, September 20, 2021 I provided a true and correct copy of the Return-Summons/Alias Summons to the following:

Unum service method: No Service

Tyson Fresh Meats, Inc. service method: No Service

Signature: /s/ Rehm,Jonathan Verners (Bar Number: 23097)

Filed in Dawson District Court

*** EFILED ***

SERVICE RETURN

Case Number: D18CI210000314

Transaction ID: 0014827892

Filing Date: 09/22/2021 01:43:39 PM CDT

DAWSON COUNTY DISTRICT COURT
 Dawson County Courthouse
 700 N. Washington St., Room E
 Lexington NE 68850

To:

Case ID: CI 21 314 Julian Estevez-Martinez v. Unum

Received this Summons on _____, _____. I hereby certify that on
 _____, _____ at _____ o'clock ____ M. I served copies of the Summons
 upon the party:

by _____

as required by Nebraska state law.

Service and return \$ _____

Copy _____

Mileage _____ miles _____

TOTAL \$ _____

Date: _____ BY: _____
 (Sheriff or authorized person)

CERTIFIED MAIL PROOF OF SERVICE

Copies of the Summons were mailed by certified mail,

TO THE PARTY: Unum

At the following address: P.O. Box 100158

Columbia, SC 29202

on the 10th day of September, 2021, as required by Nebraska state law.

Postage \$ 6.96 Attorney for: Julian Estevez-Martinez, Plaintiff

The return receipt for mailing to the party was signed on Unknown/Did Not Date _____.

To: Unum

P.O. Box 100158

Columbia, SC 29202

From: Jonathan V Rehm

3701 Union Drive, Suite 200

Lincoln, NE 68516

ATTACH RETURN RECEIPT & RETURN TO COURT

USPS TRACKING #



9590 9402 5720 9346 5507 74

United States
Postal ServiceFirst-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

* Sender: Please print your name, address, and ZIP+4® in this box *

REHM, BENNETT, MOORE &
REHM, P.C., L.L.O.
P.O. Box 22067
3701 Union Drive, Suite 200
Lincoln, NE 68516

Julian Estevez-Martinez (r.2) JR/SHG

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Unum
P.O. Box 160158
Columbia SC 29202



9590 9402 5720 9346 5507 74

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

UNUM

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

RECEIVED
SEP 20 2021
BY: *JR/SHG*

Certificate of Service

I hereby certify that on Wednesday, September 22, 2021 I provided a true and correct copy of the Return-Summons/Alias Summons to the following:

Tyson Fresh Meats, Inc. service method: No Service

Unum service method: No Service

Signature: /s/ Rehm,Jonathan Verners (Bar Number: 23097)

IN THE DISTRICT COURT OF DAWSON COUNTY, NEBRASKA

JULIAN ESTEVEZ-MARTINEZ,

Case No. CI 21-314

Plaintiff,

v.

**NOTICE OF FILING
JOINT NOTICE OF REMOVAL**

UNUM and TYSON FRESH MEATS, INC.,

Defendants.

To: Julian Estevez-Martinez, his attorney, and the Clerk of the United States District Court for the District of Nebraska.

Defendants, Unum and Tyson Fresh Meats, Inc., by and through their undersigned counsel, hereby respectfully notify the Court that they have filed the attached Joint Notice of Removal with the United States District Court for the District of Nebraska. Pursuant to 28 U.S.C. § 1446(d), this Court shall proceed no further unless and until this case is remanded.

Dated this 12th day of October, 2021.

UNUM, Defendant,

By: /s/ Steven D. Davidson
Steven D. Davidson, #18684
BAIRD HOLM LLP
1700 Farnam Street, Suite 1500
Omaha, NE 68102
Telephone: (402) 344-0500
Facsimile: (402) 344-0588
sdavidson@bairdholm.com

EXHIBIT C

TYSON FRESH MEATS, INC., Defendant,

By: /s/ Marcia A. Washkuhn
Marcia A. Washkuhn, #21022
Kathryn E. Jones, # 21957
KUTAK ROCK LLP
The Omaha Building
1650 Farnam Street
Omaha, NE 68102
Telephone: (402) 346-6000
Facsimile: (402) 346-1148
marcia.washkuhn@kutakrock.com
kate.jones@kutakrock.com

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of October, 2021, I electronically filed the foregoing with the Clerk of the Court using the electronic filing system which sent notification of such filing to the following, to:

Jon Rehm
REHM, BENNETT, MOORE & REHM, P.C., L.L.O.
3701 Union Dr., #200
Lincoln, NE 68516

/s/Steven D. Davidson

DOCS/2699058.1